

*Sandra Hutchins
Bloomberg L.P.*

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

X

JEAN-CLAUDE FRANCHITTI, Ph.D.,

Plaintiff,

-against-

AMENDED
COMPLAINT

#19

BLOOMBERG L.P.
499 Park Avenue
New York, New York,

03 Civ. 7496 (LAK)(JCF)

and

SANDRA HUTCHINS, Ph.D.
Bloomberg L.P.
499 Park Avenue
New York, New York,

Defendants.

[Circular stamp with text: 2003 SEP 27 11:30 AM U.S. DISTRICT COURT S.D.N.Y.]

X

Plaintiff Jean-Claude Franchitti, Ph.D., as and for his amended complaint against the defendants Bloomberg L.P. and Sandra Hutchins, Ph.D. amends his complaint dated and filed pro se September 24, 2003, by and through his counsel Robert B. Davis, alleges as follows:

1. This proceeding seeks to enforce the civil rights of plaintiff Dr. Jean-Claude Franchitti to be free from unlawful discrimination in employment on the basis of his French ethnicity and ancestry, and his national origin as a French citizen, to be accorded all benefits, privileges, terms and conditions of the employment relationship accorded to non-French White U.S. citizens at Bloomberg L.P., to be free from unlawful retaliatory treatment for plaintiff's

assertion of his civil rights, all of which culminated with his discriminatory termination.

JURISDICTION

2. This is an action for monetary, declaratory and injunctive relief, backpay, front pay, compensatory and punitive damages, reasonable attorneys' fees, and costs. This action arises under 42 U.S.C. §1981, as amended, 42 U.S.C. §2000(e) et seq. (Title VII of the Civil Rights Act of 1964, as amended), 42 U.S.C. §1981a (Civil Rights Act of 1991), 42 U.S.C. §1988, Article 15 of the New York State Executive Law §290, et seq. which is the State Human Rights Law or "SHRL," and Article 8 of the Administrative Code of the City of New York which is the City Human Rights Law or "CHRL."
3. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1343. Declaratory and injunctive relief are sought pursuant to 28 U.S.C. §2201 and §2202. Plaintiff also invokes the supplemental jurisdiction of the court pursuant to 28 U.S.C. §1367.

VENUE

4. Venue is proper within this district pursuant to 28 U.S.C. §1391(b) and (c) and 42 U.S.C. §2000(e)-5(f)(3), as plaintiff's place of employment and the unlawful conduct complained of occurred within the Southern District of New York.

PARTIES

5. Dr. Jean-Claude Franchitti was born and raised in France. He resides at 1815 East 17th Street, Brooklyn, New York.
6. From April 22 through November 19, 2002, Dr. Jean-Claude Franchitti was hired by defendant Bloomberg L.P. to head the Training Department within its Research and Development Department, New York, New York. Plaintiff's job title was Computer Scientist and Trainer.
7. Bloomberg L.P. ("Bloomberg") is a limited partnership, duly organized under the laws of the State of Delaware and maintains its headquarters at 499 Park Avenue, New York, New York. Bloomberg L.P. is an information services, news and media company. At all times relevant to this action, Bloomberg has employed more than 500 people in the United States of America and more than 8000 people worldwide.
8. At all times relevant to this action, Dr. Sandra Hutchins has been employed as Manager of Training & Documentation within the Research & Development Department at Bloomberg L.P., at 499 Park Avenue, New York, New York.

ADMINISTRATIVE HISTORY

9. On March 31, 2003, Dr. Jean-Claude Franchitti filed a charge of discrimination with the United States Equal Employment Opportunity Commission ("EEOC"). On June 25, 2003, EEOC issued a notice of right to sue letter to plaintiff. On September 24, 2003, plaintiff filed a pro se complaint initiating this action, which date was within ninety days of issuance of the right to sue letter.

FACTUAL STATEMENT

10. Plaintiff Jean Claude Franchitti ("Dr. Franchitti") was born and raised in the French Republic.
11. At all times relevant, plaintiff was and continues to be a lawful permanent resident of the United States of America and a French citizen.

Educational Background

12. Plaintiff received the degree "Diplôme d'Ingénieur" (Engineering Diploma) from the École Nationale Supérieure des Télécommunications in Paris, France. This degree is roughly in between a masters and a doctoral degree in the United States.
13. Plaintiff received a Masters Degree in electrical and computer engineering from the University of Colorado at Boulder in 1985.
14. Plaintiff received a Masters Degree in computer science from the University of Colorado at Boulder in 1990.
15. Plaintiff received a PhD in computer science from the University of Colorado at Boulder in 1993.
16. Plaintiff received a Cambridge English Proficiency Diploma issued from Cambridge University in England in 1983.
17. Plaintiff passed the Test of English as a Foreign Language ("TOEFL") exam administered in the U.S. which demonstrates proficiency in the English language in 1983.

Professional Publications and Presentations

18. In or about 1997, Dr. Franchitti collaborated on the French language adaptation of the book entitled "Instant UML" published by Prentice Hall in collaboration with the French publisher Eyrolles.
19. In or about 1998, Dr. Franchitti co-authored the book entitled "C++ Version of the AP Computer Science A and AB" published by Research and Education Association.
20. Dr. Franchitti has presented papers on database and software engineering at professional conferences in the U.S. and Europe.

Professional Society Memberships

21. Plaintiff has been a member of several professional societies in the database and software engineering areas of computer science.
22. Plaintiff has received certifications from Sun Microsystems and IBM as a software developer and architect.

Employment History

23. In 1992, plaintiff was employed as an Adjunct Professor at U.S. West in Denver, Colorado and taught database systems.
24. From August 1993 through December 1994, Dr. Franchitti was employed at the University of Colorado at Boulder; as part of his post-doctoral work, as an Adjunct Professor in the Computer Science Department teaching both undergraduate and graduate level courses on database systems.

25. From August 1993 to November 1995, Dr. Franchitti was employed as a part-time research associate in the Computer Science Department of the University of Colorado at Boulder.
26. From August 1993 to November 1995, Dr. Franchitti was employed as Chief Technologist and Vice-President of Advanced Technologies for Unidata, Inc., a database software company in Boulder, Colorado.
27. From November 1995 to January 1997, Dr. Franchitti started a software company named Metacomp, Inc. in Boulder Colorado and served as President and Chief Technology Officer. In these capacities plaintiff solicited seed funding, consulting and royalty contracts, and oversaw product development and marketing.
28. From January 1997 until his termination in June 1998, plaintiff was employed as Director of Information Engineering with J. Crew Group Inc. in New York City. Plaintiff supervised the Internet and Information Engineering Departments. His work included strategic planning, requirement and design analysis, overall team and project management, and technical coaching for prototyping, implementation, testing and maintenance.
29. From August 1998 to June 1999, Dr. Franchitti was employed as an Adjunct Assistant Professor in the Department of Computer Science at Columbia University where he taught two courses, "C" programming and introduction to computer architecture.

30. From December 1998 through June 15, 2001, Dr. Franchitti was employed as a Principal Consultant with Computer Sciences Corporation, New York, New York in their Consulting Division. Plaintiff worked on projects with major corporations as project manager, chief architect and head developer.
31. From January 1997 continuously to the present, Dr. Franchitti has taught as an adjunct Associate Professor at the Courant Institute, Department of Computer Science at New York University. Plaintiff has taught undergraduate, masters and doctoral level courses, and developed four courses now taught on a regular basis. Plaintiff has also been chosen to work on behalf of the Institute to be a technical advisor/reviewer on several joint school/private sector initiatives.
32. From 1998 to the present, Dr. Franchitti has taught courses in the NYU School of Continuing and Professional Studies, Information Technologies Department. Dr. Franchitti has developed and taught over fifteen courses for this School. Plaintiff also developed a new Masters Program in Systems Administration that has been accepted by NYU and approved by the State of New York.
33. Dr. Franchitti received an "Award for Outstanding Service" from New York University's School of Continuing and Professional Studies in February 2003.
34. From April 2002 through his termination on November 19, 2002, plaintiff was employed with Bloomberg L.P. in their New York City offices as Computer Scientist and Trainer in the Research and Development Department.

Factual Underpinnings for Plaintiff's Discrimination Claims

35. In April 2002, Dr. Jean-Claude Franchitti was offered and accepted a position at Bloomberg L.P. as Computer Scientist and Trainer in charge of training. The offer was extended by Glenn Jacoby, Manager of the AutoEx Group within the Research and Development Department.
36. Plaintiff's starting annual salary at Bloomberg was \$140,000 plus 86 equity equivalence certificates worth \$35,000 payable to him on the anniversary of his hire.
37. Omitted.
38. Plaintiff often arrived at work before 9 a.m. and remained at work until after 5 p.m., and occasionally worked on weekends.
39. Plaintiff invited Ms. Joanna Gilberti and Ms. Danielle Lahmani to submit applications to work at Bloomberg in New York City, and they did so. Both became Bloomberg employees.
40. Plaintiff invited other persons to apply for work at Bloomberg in New York City, but they were not hired.
41. In June 2002, plaintiff invited Howard Deckelbaum, Director of the Information Technologies Institute, NYU School of Continuing and Professional Studies, to meet with Dr. Sandra Hutchins to discuss the possible assistance of the Institute with Bloomberg's management training efforts. At the time, Bloomberg was considering outside training vendors to assist with management training. Although Deckelbaum and Dr. Hutchins met and discussed possible collaboration, nothing came of this effort.

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Hostile Work Environment

42. By the time Dr. Franchitti was hired by Bloomberg, he had been teaching courses in the English language at the university level for about ten years, had been employed in the non-academic private sector in the U.S. for more than fifteen years, had resided in the U.S. for almost twenty years, and had received two masters degrees and one doctoral degree from the University of Colorado at Boulder.
43. At Bloomberg, several co-workers mocked plaintiff's French accent, feigned an inability to comprehend his English, sent him electronic mail in incorrect French in spite of his objections, and made anti-French comments.
44. Plaintiff's supervisors were inaccessible and unsupportive of his work. After plaintiff reported his discriminatory treatment to Dr. Hutchins, she inserted baseless criticism in his review and spread false rumors about plaintiff leading to his termination.
45. Dr. Franchitti's workstation was in a room with several other co-workers and his supervisor Dr. Sandra Hutchins. The workstations of Dr. Hutchins, Art Smith, Mark Mandell, Jon Steiner, Danielle Lahmani, Shelley Winkler, Sandeep Shantharaj, and the workstations of several other employees were contiguous to one another and consisted of open carrels.
46. Mandell, Shantharaj, Winkler and Smith were the main co-workers in the same workspace as Dr. Franchitti who mocked his French accent.

47. Dr. Franchitti and Shantharaj interacted daily while Shantharaj worked as plaintiff's teaching assistant in June, July, September and October 2002 training classes. Shantharaj belittled plaintiff's education and his employment at New York University. Shantharaj commented that it is easy to get a degree in America inferring that was the only way plaintiff could have gotten a degree.
48. Shantharaj would regularly feign being unable to comprehend plaintiff's speech, by responding to Dr. Franchitti with, "beg your pardon?" Shantharaj repeatedly commented to plaintiff that he couldn't understand him because of his French accent.
49. On several occasions, Shantharaj chose not to follow Dr. Franchitti's direction as his teaching assistant by failing to prepare or grade student assignments.
50. On several occasions, Shantharaj failed to attend classes he had been scheduled to attend as plaintiff's teaching assistant.
51. In or about June 2002, Mark Mandell was hired as Training Coordinator in Bloomberg's Training Department.
52. In or about July 2002, Mandell began making comments that mocked Dr. Franchitti's French accent, and sent e-mails using French words simply to antagonize plaintiff who consistently requested he refrain from doing so. On almost a daily basis, Mandell spoke to plaintiff in a condescending tone and manner.
53. Mandell informed Dr. Franchitti that his technical skills were inferior because he is French. In October, 2002, Mandell stated to Dr. Franchitti, "What to do you know about timetabling, you don't have the skills to do timetabling. When

plaintiff asked Mandell what made him think he didn't have the skills to do timetabling, Mandell replied, "It's what I believe, its because you are French." Timetabling is coordination and scheduling of multiple classes/instructors in this case at different locations.

54. Although Mandell was not a teacher, he commented to Dr. Franchitti to the effect that having seen plaintiff teach with his accent difficult to understand, that if Dr. Franchitti could teach, so could he.
55. In or about July 2002, while having lunch Mandell commented that he and Dr. Franchitti should do a comedy show together. Mandell made it clear to plaintiff that his comment expressed amusement with his French accent.
56. From in or about mid-May 2002 until he moved out of the Training Department in September 2002, Art Smith would regularly address plaintiff in French even though he speaks very little French and even though plaintiff requested that he refrain from doing so. Smith would say "bonjour misseu" intentionally mispronouncing "bonjour monsieur" in a mocking fashion. Initially plaintiff corrected Smith until it was obvious Smith had no intention to learn French or to refrain from bothering plaintiff. Those present in that office were within earshot of Smith's derogatory comments.
57. On several occasions, Shelley Winkler, Documentation Manager, echoed Art Smith's derogatory comments.
58. At a training class in late June/early July, 2002, Dr. Hutchins, Shelly Winkler and Mandell sat in on one of plaintiff's classes in the backrow. Dr. Hutchins

- commented to Mandell loud enough for a student to hear, that plaintiff should stop speaking French, suggesting that his students could not understand him.
59. Upon information and belief, Dr. Hutchins approached one of Dr. Franchitti's classes and inquired whether they were having difficulty understanding his accent. The students indicated they did not have a problem with his accent.
60. No student of Dr. Franchitti ever expressed difficulty comprehending his speech and he taught only in the English language at Bloomberg.
61. Dr. Sandra Hutchins informed plaintiff that he had to fail Bloomberg employee Mr. Aamir Awan; who was in plaintiff's June 2002 class, because his department had specifically put Mr. Awan in the training class to get rid of him. Dr. Franchitti objected to Dr. Hutchins that what she was telling him to do was unfair and that he would not be a part of it.
62. Mr. Aamir Awan is a Pakistani national whose request for time off from Bloomberg for medical reasons was reasonable and was not accommodated. Mr. Awan was fired soon after his request for medical leave was denied.
63. In July and August 2002, Dr. Sandra Hutchins humiliated several of plaintiff's students when she interrupted his class by tapping on the shoulder of targeted students asking them to speak with her outside of class. Upon information and belief, Dr. Hutchins also told them while in class that they were not doing well in the program and should come out of the classroom to discuss this matter. Several students asked Dr. Franchitti after class to inquire about the situation and inquired whether or not their employment with Bloomberg was at risk.

64. Plaintiff requested that Dr. Sandra Hutchins refrain from interrupting his classes, humiliating his students, and putting him in an awkward situation.
65. In the July 2002 class, Dr. Sandra Hutchins told a Russian female student at Bloomberg that she was "stupid".
66. In or about July or August 2002, Dr. Hutchins organized a lunch at a French Restaurant for people in the Training Department. During lunch, Mark Mandell in an offensive mocking tone said to Dr. Franchitti's wife, "do these French guys go out a lot? . . . are you going out after lunch?" and, "what is so different about French guys compared to Americans?. . . is there anything they (French guys) do better?"
67. Several times in August 2002, Glenn Jacoby yelled at a Middle-Eastern male Bloomberg employee in the presence of co-workers in the AutoEx Department. Shelley Winkler confirmed that she had seen Jacoby engage in similar conduct in the past. Winkler also told plaintiff that it was not the first time that she had seen Jacoby yell at that particular employee.
68. Several co-workers expressed their upset to plaintiff when the French Government opposed the Bush Administrations plans to invade Iraq, as if Dr. Franchitti was somehow responsible France's foreign policies.
69. A female Bloomberg employee from Israel, noted France's problems with its Algerian population to plaintiff, insisted on addressing Dr. Franchitti by his last name despite his request that she address him by his first name, and pronounced his name mockingly as "Franchee."

70. There were several incidents where Bloomberg employees attributed certain foreign policy positions of the French government to Dr. Franchitti, which they expressed their disdain for. For instance, in or about September 2002, a male Bloomberg employee from the documentation department approached plaintiff without greeting him and said in a loud voice, "the French have their own way" in a disparaging tone.

Retaliation

71. Initially plaintiff was instructed to report to Glenn Jacoby. However, shortly after his hire, Dr. Hutchins began supervising plaintiff.

72. In September 2002, Dr. Franchitti met with his supervisor Dr. Hutchins and informed her of the workplace hostility he experienced directed at his French ancestry, ethnicity, language, and/or nationality. Dr. Hutchins made no mention to plaintiff of any company anti-discrimination policy and chose not to direct him to report his complaints to Human Resources or any other Bloomberg officer or department.

73. Dr. Hutchins elected not to investigate Dr. Franchitti's complaints of a hostile work environment at Bloomberg.

74. In October 2002 at a meeting with Dr. Hutchins and Mandell, plaintiff noted the discriminatory conduct he was subjected to. Plaintiff specifically requested that Mandell refrain from addressing him in French and otherwise treat him in a professional manner. Dr. Franchitti informed Dr. Hutchins of Mandell telling him that he was not able to do timetabling because he is French and other offensive comments. Mandell stated he would comply with plaintiff's request.

This did not happen. Dr. Hutchins ignored plaintiff's complaint of Mandell's discriminatory and rude conduct towards him. Dr. Hutchins focused the meeting away from plaintiff's complaint of discriminatory treatment and towards unfounded criticisms of plaintiff.

75. On or about October 1, 2002, Dr. Hutchins discussed a power point presentation she had put together and solicited Dr. Franchitti's feedback. Dr. Franchitti felt the presentation needed improvement. In an effort to improve and present his own long-term vision for training and documentation at Bloomberg, Dr. Franchitti drafted and submitted a statement to Dr. Hutchins. Although Dr. Hutchins was dismissive of Dr. Franchitti's vision statement, several of his suggestions about improving training and documentation were later implemented at Bloomberg.
76. By "R & D Performance Appraisal" dated October 23, 2002, Dr. Sandra Hutchins reviewed Dr. Franchitti's work in his first six months of employment at Bloomberg.
77. Dr. Hutchins both raved about plaintiff's performance and inserted baseless criticism of his communication and interpersonal skills. In her October 23, 2002 review of Dr. Franchitti's performance Dr. Hutchins noted in part:
- "Within a few weeks of Jean Claude's hire date the R & D Training team was given the nearly impossible task of creating and delivering a 10-week training program for entry level new-hires. The team was given 4 weeks in which to define and develop 400 hours of technical instruction under TREQ 29252. Jean Claude was the primary instructor and material developer for this effort. He took the lead developing and presenting the core material on the Bloomberg system. As a result of his tremendous efforts, the new-hire training program has been very successful. New-hires leaving the program are now better prepared to function effectively in the Bloomberg R & D environment than they had been in previous years. 6 weeks after the June class completed its

training, our survey of their managers indicates that these trainees are consistently ranked higher in performance than typical new-hires from previous years.”

78. In spite of Dr. Franchitti’s “tremendous” and “very successful” work, Dr. Hutchins conditioned his future in management on “his ability to improve his interpersonal skills and teamwork and on successful completion of the BU courses (management and communication courses at Bloomberg University).”
79. At first plaintiff refused to sign the October 2002 performance review as he objected to Dr. Hutchins baseless criticism and her suggestion that he needed communications classes. After speaking with Glenn Jacoby, AutoEx Group Manager and being assured that Jacoby would discuss plaintiff’s complaints of discrimination with Dr. Hutchins, plaintiff signed the evaluation.
80. After plaintiff signed his review and submitted it to Dr. Hutchins, co-worker Ms. Joanna Gilberti told him she witnessed part of a heated discussion between Dr. Hutchins and Glenn Jacoby regarding his review. Upon information and belief, Dr. Hutchins had asked Jacoby if he realized the severity of some of the criticisms she had raised in her review of plaintiff. Jacoby noted that plaintiff was doing well and that there was no reason to antagonize him. Dr. Hutchins responded that plaintiff had turned in student grades late once, that students were having problems with his accent, and that plaintiff had complained of discrimination.
81. After reporting a hostile work environment to Dr. Hutchins and then Jacoby, plaintiff was informed that Dr. Hutchins was telling other employees that he was inviting people to leave Bloomberg to work for his own company.

82. In a conversation in November 2002, plaintiff informed Glenn Jacoby that Dr. Hutchins told co-worker Danielle Lahmani that "You know that JC (plaintiff) has a company and that he is hiring people away from Bloomberg, HR has information on this and things will get ugly today." Jacoby stated he was aware of this, indicating that Dr. Hutchins had made the same statement to him. Jacoby then asked plaintiff if it was true that he had his own company and if he was hiring people from Bloomberg to join his company. Dr. Franchitti informed Jacoby that he did not have a company and was not trying to convince anyone to leave Bloomberg.
83. Plaintiff complained about Dr. Hutchins' false and malicious accusations about his seeking to hire Bloomberg employees for his own company to Jacoby and HR officer Lisa Vogel.
84. In late October or early November 2002, Art Smith asked plaintiff if Dr. Hutchins was giving him a hard time about his accent.
85. After the October review, in late October 2002, HR officer Vogel asked plaintiff to see her at Human Resources about a scheduling problem. Plaintiff met with Vogel and reported the discriminatory work environment and retaliatory criticisms in his performance evaluation. Vogel proceeded to interrogate plaintiff about his allegedly having submitted grades late and claimed that there was a schedule conflict between his duties as a Bloomberg employee and his teaching at NYU.
86. Dr. Franchitti informed defendants at his pre-hire job interview that he taught night classes at NYU, and would continue to do so if hired at Bloomberg. This

was never mentioned as a problem until he reported discriminatory treatment to defendants in late October 2002.

87. In early November 2002, plaintiff met again with Vogel in HR. Plaintiff informed Vogel that Dr. Hutchins was telling other Bloomberg employees that he had been trying to get other Bloomberg employees to leave and join his own company. Plaintiff further informed her that he had no company or business at that time and was not trying to get anyone to leave Bloomberg, and that Dr. Hutchins accusations were false, unethical and disparaging of plaintiff.
88. Human Resources responded to plaintiff having reported unlawful discriminatory treatment by investigating plaintiff rather than any of his own allegations.
89. On November 19, 2002, Dr. Hutchins summoned plaintiff to HR. At a meeting with Dr. Hutchins, Glenn Jacoby and Lisa Vogel, Vogel informed Dr. Jean-Claude Franchitti in essence that, "based on what has been discussed for the past two weeks, and the fact that you are not open regarding the items on the list (plaintiff's "to do" list that Dr. Hutchins allegedly found while clearing a training computer), the company has decided to let you go." Other than this one vague, non-specific and false comment, no reason was provided to plaintiff for his abrupt termination
90. Plaintiff informed those present at the November 19, 2002 meeting at HR that he had no business or company at that time and had not attempted to convince any Bloomberg personnel to leave.

91. Plaintiff never denied that the "to do" list in question was his own, nor did he refuse to discuss the list with Lisa Vogel.
92. Lisa Vogel never investigated Dr. Franchitti's complaints of discriminatory treatment at Bloomberg and never wrote a report on this subject.
93. Defendants retaliated against plaintiff for reporting a discriminatory hostile work environment first to Dr. Sandra Hutchins and then to Human Resources. Dr. Hutchins retaliated by conditioning plaintiff's future in management at Bloomberg on communications courses which were clearly not appropriate. Dr. Hutchins then lied about plaintiff's conduct and performance and evidently convinced her superior Glenn Jacoby and perhaps others to terminate plaintiff's employment.
94. In connection with his employment at Bloomberg, Dr. Franchitti was provided with a copy of the "Employee Resource and Information Guide" effective February 2002. Defendant's Guide contains in part, an "Equal Employment Opportunity" policy which prohibits discrimination in employment.
95. Bloomberg's EEO policy provides in part that anyone who believes they have been discriminated against should contact their immediate supervisor or one of the Human Resource contacts listed in that Guide or Linda Norris or Lex Fenwick.
96. Bloomberg's EEO policy provided for the prompt investigation of employee complaints of discrimination or harassment and specifically prohibits any retaliatory measures against employees who report harassment.

97. Plaintiff followed Bloomberg's policy in reporting offensive, harassing and discriminatory conduct.
98. Defendant Bloomberg failed to investigate plaintiff's complaints of discrimination and harassment.
99. Defendant Bloomberg failed to issue a written report in response to plaintiff's complaints of employment discrimination.
100. Bloomberg's failure to investigate plaintiff's complaints of discrimination and harassment violated their own EEO policy.
101. Defendants' failure to investigate plaintiff's complaints of discrimination and harassment violated plaintiff's rights under federal, state and city law to work in an environment free from unlawful discrimination.
102. The conduct of Defendants as detailed above was motivated by unlawful discriminatory animus based on plaintiff's ethnicity, ancestry and/or national origin as a French national and/or in retaliation for plaintiff having reported discriminatory conduct.
103. The hostile work environment that Dr. Franchitti has been subjected to, has caused him anxiety and upset, and was disruptive to his work.
104. Plaintiff's termination effectively undermined his ability to secure a similar position with any other reputable information technology company.
105. Defendants' unlawful discriminatory, retaliatory conduct has caused Dr. Jean-Claude Franchitti to suffer humiliation before professional colleagues, anxiety and emotional distress, loss of pay, the prospect of seeking

employment after having been terminated, and disruption and harm to his professional career.

106. Plaintiff has suffered and continues to suffer irreparable harm, economic loss, and emotional injury as a direct result of defendants' unlawful discriminatory, and retaliatory conduct.

AS AND FOR A FIRST CAUSE OF ACTION
(42 U.S.C. §1981)

107. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 104 as though set forth in their entirety below.
108. The acts, practices and policies of defendants Bloomberg L.P. and Dr. Sandra Hutchins, as detailed above, have violated Plaintiff's rights as a person of French ancestry and ethnicity to make, perform, modify and continue his employment contract with Bloomberg L.P. and further to enjoy all rights, benefits, privileges, terms and conditions of his contractual relationship with Bloomberg L.P. as are enjoyed by persons who are not ethnic French, and their retaliatory conduct against Plaintiff for having complained of employment discrimination, was in violation of 42 U.S.C. §1981. Defendants' actions have resulted in plaintiff being subjected to a hostile work environment motivated by anti-French animus. Defendants were either aware of, should have been aware of, or were protagonists in the unlawful discriminatory and retaliatory treatment of Plaintiff, all in violation of 42 U.S.C. §1981. Plaintiff seeks an order of this Court for all appropriate relief to remedy these violations.

SECOND CAUSE OF ACTION
(Title VII)

109. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 108 as though set forth in their entirety below.

110. The acts, practices and policies of defendant Bloomberg L.P., as detailed above, have violated Plaintiff's rights as a person of French ancestry, nationality, citizenship and ethnicity, to be free from discrimination in employment, and to be free from retaliatory treatment for having complained of employment discrimination, all in violation of Title VII of the Civil Rights Act of 1964 and the Civil Rights Act of 1991. Bloomberg's actions have resulted in plaintiff being subjected to a hostile work environment motivated by anti-French animus. Bloomberg L.P. has further subjected plaintiff to unlawful retaliation for having complained of employment discrimination and/or objected to the discriminatory treatment of another Bloomberg employee, in violation of Title VII. In retaliation for having reported discriminatory conduct at Bloomberg, defendant has intentionally diminished the terms and conditions of plaintiff's employment and ultimately terminated his employment. Plaintiff seeks an order of this Court for all appropriate relief to remedy these violations.

AS AND FOR A THIRD CAUSE OF ACTION
(NYS Human Rights Law - Discrimination)

111. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 110 as though set forth in their entirety below.
112. The acts, practices and policies of Defendants Bloomberg L.P. and Dr. Sandra Hutchins, as detailed above, have violated Plaintiff's rights as a person of French ancestry, nationality, citizenship and ethnicity, to be free from discrimination in employment, and to be free from retaliatory treatment for having complained of employment discrimination, all in violation of Article 15 of the Executive Law of the State of New York, also known as the New York State Human Rights Law ("SHRL"). Defendants were either aware of, should have been aware of, condoned or were protagonists in the unlawful discriminatory and retaliatory treatment of Plaintiff, all in violation of the SHRL. Defendants' actions have resulted in plaintiff being subjected to a hostile work environment motivated by anti-French animus. Plaintiff seeks an order of this Court for all appropriate relief to remedy these violations.

FOURTH CAUSE OF ACTION
(New York City Human Rights Law)

113. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 112 as though set forth in their entirety below.
114. The acts, practices and policies of Defendants Bloomberg L.P. and Dr. Sandra Hutchins, as detailed above, have violated Plaintiff's rights as a person of French ancestry, nationality, citizenship and ethnicity, to be free from discrimination in employment, and to be free from retaliatory treatment for having complained of

employment discrimination, all in violation of Article 8 of the Administrative Code of the City of New York, also known as the New York City Human Rights Law.

Defendants' actions have resulted in plaintiff being subjected to a hostile work environment motivated by anti-French animus. Plaintiff seeks an order of this Court for all appropriate relief to remedy these violations.

DEMAND FOR RELIEF

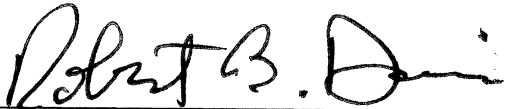
WHEREFORE, plaintiff respectfully requests that this Court enter judgment in his favor against defendants as follows:

- A. A finding that defendant Bloomberg LP intentionally discriminated and retaliated against plaintiff in violation of 42 U.S.C. §1981, under Title VII, as amended, under the Civil Rights Act of 1991, the New York State Human Rights Law, and the New York City Human Rights Law;
- B. A finding that defendant Dr. Sandra Hutchins intentionally discriminated and retaliated against plaintiff in violation of 42 U.S.C. §1981, the New York State Human Rights Law, and the New York City Human Rights Law;
- C. An award against defendants for back pay, reinstatement if appropriate or front pay and all other benefits to which Plaintiff is entitled, with prejudgment interest;
- D. Actual and compensatory damages in amounts to be determined at trial for:
 - i. defendants' deprivation of plaintiff's statutory rights to terms and conditions of employment without regard to his ethnicity, ancestry and/or national origin.

- ii. emotional distress suffered by plaintiff as a result of defendants' discriminatory treatment.

- E. Judgment in the amount to be determined at trial for punitive damages due to defendants' willful, intentional, malicious and/or reckless acts which deprived plaintiff of his right to make, perform, and modify his employment contract with defendant and further to enjoy all rights, benefits, privileges, terms and conditions of the contractual relationship as is enjoyed by persons not of French national origin or ethnicity, for their discriminatory and retaliatory conduct, all in violation of 42 U.S.C. §1981 and/or Title VII, as amended and the Civil Rights Act of 1991 (Title VII is applicable only to defendant Bloomberg LP and not to Dr. Sandra Hutchins,) and/or the New York City Human Rights Law;
- F. Injunctive relief to redress defendants' unlawful conduct and damage caused to plaintiff;
- G. An award of plaintiff's reasonable attorneys fees and costs of this proceeding pursuant to 42 U.S.C. §1988 and/or under the New York City Human Rights Law; and
- H. An award of such other and further relief as this Court deems just and proper.

Dated: October 27, 2004
New York, New York



Robert B. Davis, Esq. (RBD5492)
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